

City
of
Tigard



Respect and Care | Do the Right Thing | Get it Done

2015 Annual Report to Council

Tigard Municipal Court

Michael J. O'Brien, Presiding Judge

Nadine Robinson, Manager

Presented to: Tigard City Council

February 17, 2015



Municipal Court Programs

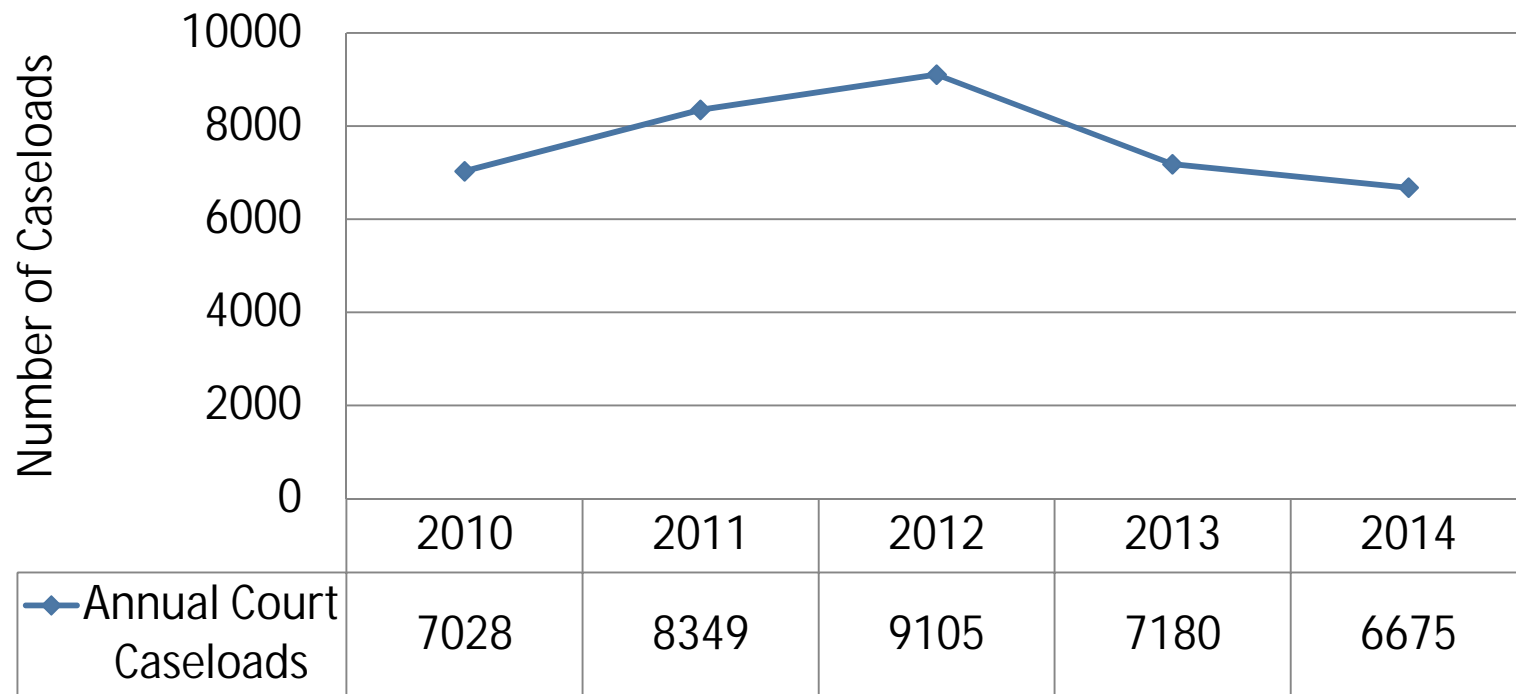
1. Traffic
2. Civil infractions
3. Public information

2014 Calendar Year Highlights

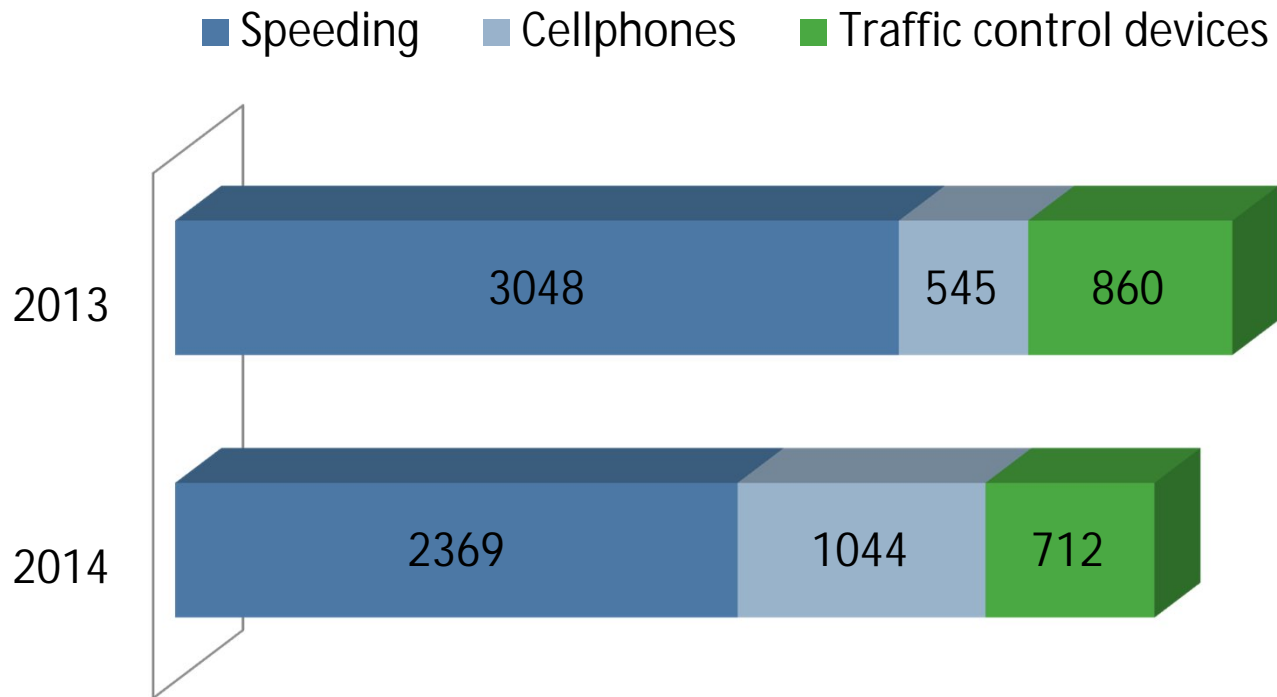
- ▶ 6,675 violations filed
- ▶ 16% below 4-year average
- ▶ Cellphone citations doubled
- ▶ TPD Distracted Driver Diversion: 223 drivers (83% referred by court)
- ▶ Diversion Program expansion proposal

Violations Filed 2010 – 2014

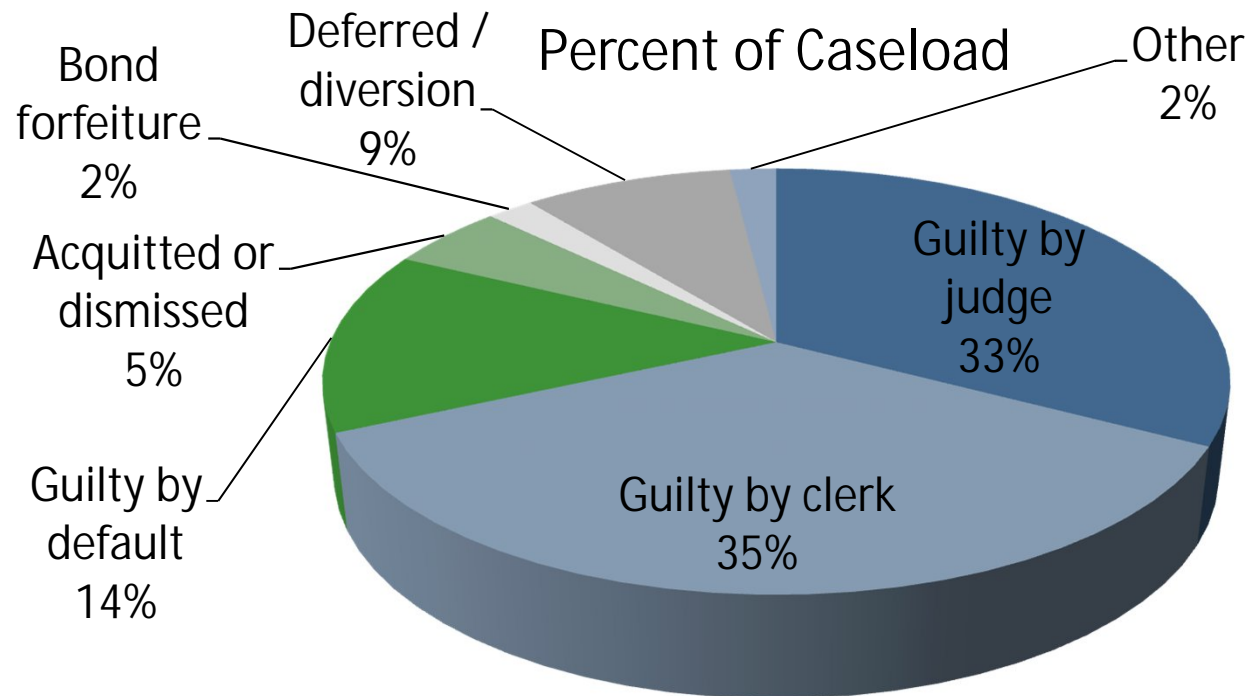
Annual Court Caseloads



Three Most Common Violations



2014 Dispositions



Philosophy and Goals

- ▶ Provide an impartial forum for adjudications
- ▶ Respectful courtroom and administrative process for all parties and witnesses
- ▶ Full opportunity to be heard and considered in court
- ▶ Fair, professional and efficient dispositions

Sanctions Philosophy

- ▶ Proportionate sanctions to deter subsequent offenses
- ▶ Consider individual circumstances as permitted by law and workloads
- ▶ Reduce recidivism through education about public safety, relevant laws and legal processes
- ▶ Diversion programs to provide traffic safety education

Diversion Programs – 2014

- ▶ 9% offered diversion
- ▶ Distracted Driver Diversion Program
- ▶ Teen drivers 18 and under
- ▶ Seniors 60 and older
- ▶ Safety belt violations

Advantages of Current Diversions

- ▶ Focus on those most in need of safety education
- ▶ Accountability: convictions appear on DMV driving record – no “masking” from other judges
- ▶ DMV Driver Improvement Program: frequent offenders face license restrictions, suspensions
- ▶ Staff time to monitor compliance relatively low

Advantages to Expanding Diversions

- ▶ Traffic schools educate more drivers to change behavior
- ▶ Enhanced public safety, reduced recidivism
- ▶ Financial sanctions remain the same for defendants
- ▶ Masking much less likely with signed certifications
- ▶ Restructured fees: Increase revenues to general fund
- ▶ 90-day collection rate potentially higher
- ▶ Reduced docket pressure: Some may prefer diversion to trial

Proposed Diversion Expansion

- ▶ Eligibility: licensed adults with clear records for 5 years (35-40% of caseload)
 - ▶ DDD Program: 2-year “lookback”
- ▶ Administrative fee equal to minimum fine – becomes a judgment if noncompliant
- ▶ Pay for and attend approved safety class within 90 days
- ▶ Citation then dismissed – no DMV entry

Diversion Procedures

- ▶ Eligibility determined at or before arraignment
- ▶ Staff reviews requirements, defendant signs certification
- ▶ Pay administrative fee equal to minimum fine
- ▶ If noncompliant: “guilty” finding, fee converted to judgment, \$61 assessment forwarded to ODR
- ▶ Usual collections procedures, suspension

Budget Highlights — 2014

- ▶ Total fines imposed: \$1,209,617 (8% increase over 2013)
- ▶ Total collections: \$1,083,821
- ▶ Remitted \$373,696 in statutory assessments to state and local agencies

Compliance Program - 2014

- ▶ Driving While Suspended / No Operator's License: 531 violations filed
- ▶ Insurance violations: 316 violations filed – dismissed under ORS if valid at stop
- ▶ Fines reduced upon proof of compliance after stop
- ▶ Fix-It program for equipment violations – \$40 administrative fee

Public Information Program

- ▶ Information provided in the courtroom, at the counter and online
- ▶ Safety education promoted through diversions
- ▶ Trial brochure for “not guilty” pleas
- ▶ Online court rules for attorneys, general public
- ▶ “Rules of the Road:” over 90 columns since 2007
- ▶ Provided content for website redesign

2015 Legislative Session

- ▶ OMJA monitors legislation and provides information to elected officials
- ▶ LC 2242: Potentially burdensome reporting and auditing requirements on “caseload, fine revenue and other information.”
- ▶ SB 363: Could limit nonstatutory fees charged by courts
- ▶ Proposed legislation requires all judges to be licensed members of Oregon State Bar (Tigard not affected)

Other Court Activities

- ▶ Judge attended ODOT's annual Judicial Education Conference and OMJA Fall Conference
- ▶ Judge elected to OMJA Board of Directors
- ▶ Court clerks received education through the Oregon Association for Court Administration conference and the ODOT Conference

Tigard Municipal Court

13125 SW Hall Blvd.

Tigard, Oregon 97223

Court staff:

Chris Snodgrass

Brenda Annis

Morgan McFadden

www.tigard-or.gov/court